

**MINUTES OF THE
SENATE EDUCATION STANDING COMMITTEE
ROOM 210, SENATE BUILDING
FEBRUARY 4, 2013**

Members Present: Sen. Stuart C. Reid, Chair
 Sen. Patricia W. Jones
 Sen. Mark B. Madsen
 Sen. Aaron Osmond
 Sen. Jerry W. Stevenson
 Sen. Howard A. Stephenson
 Sen. Stephen H. Urquhart

Members Excused: Pres. Wayne L. Niederhauser

Staff Present: Ms. Allison Nicholson, Policy Analyst
 Ms. Wendy Hill, Secretary

A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Reid called the meeting to order at 4:15 pm.

Approval of Minutes

MOTION: Sen. Osmond moved to approve the minutes of the January 28, 2013 meeting.
 The motion passed unanimously.

S.B. 51 Higher Education Tuition Waivers (*Sen. S. Urquhart*)

Sen. Urquhart introduced and explained the bill.

Spoke for the bill: Mr. Dave Buhler, Commissioner, Utah System of Higher Education
 Dr. Stan L. Albrecht, President, Utah State University
 Dr. James Morales, Vice-President of Student Services, Utah State
 University

MOTION: Sen. Osmond moved to pass the bill out favorably. The motion passed
 unanimously.

**S.C.R. 5 Concurrent Resolution Endorsing the Utah Education Excellence
Commission (*Sen. J. Stevenson*)**

Sen. Stevenson introduced and explained the resolution.

Spoke for the resolution: Mr. Lane Beattie, President and CEO, Salt Lake Chamber of
Commerce
Mr. Mark H. Bouchard, Senior Managing Director, CBRE, and
Member, Governors Education Excellence Commission
Ms. Christine Kearl, Education Deputy, Governor's Office
Dr. Patti Harrington, Executive Director, Utah School
Superintendents Association
Ms. JoDee Sundberg , Utah School Boards Association and
Alpine School District Board of Education
Mr. David Hartman, President, Ogden-Weber Chamber of
Commerce
Mr. Val Hale, President, Utah Valley Chamber of Commerce
Dr. Martell Menlove, State Superintendent of Public Instruction
Ms. Gainell Rogers, President, Utah Parent Teacher Association
Mr. Kory Holdaway, Government Relations Director, Utah
Education Association
Mr. Rob Brems, President, Utah College of Applied Technology
Mr. Dave Buhler, Commissioner, Utah System of Higher
Education

MOTION: Sen. Jones moved to pass the resolution out favorably. The motion passed
unanimously with Sen. Madsen, and Sen. Urquhart absent for the vote.

**S.B. 151 Authorization of Charter Schools by Higher Education Institutions (*Sen. J.
S. Adams*)**

Sen. Adams introduced and explained the bill.

MOTION: Sen. Osmond moved to adopt the following amendments:

1. *Page 1, Line 20:*

20 applications; {~~and~~} =
 ► modifies an annual fee for payment of a board of trustee's costs in providing
 oversight and technical support to a charter school; and

2. *Page 1, Line 25:*

25 ~~{None}~~ **This bill provides an immediate effective date.**

3. *Page 4, Lines 117 through 120:*

117 Subsection (6)(a) may not exceed the product of ~~{~~

118 ~~—(i)}~~ 3% of the revenue the charter school receives from the state in the current
fiscal

119 year ~~{; and~~

120 ~~—(ii) the October 1 enrollment count of the charter school for the current fiscal
year}~~ .

4. *Page 5, Lines 122 through 125:*

122 described in Subsection (6)(a) may not exceed the product of ~~{~~

123 ~~—(i)}~~ 1% of the revenue a charter school receives from the state in the current
fiscal year ~~{~~

124 ~~and~~

125 ~~—(ii) the October 1 enrollment count of the charter school for the current fiscal
year}~~ .

5. *Page 5, Line 151:*

151 policy governing the procedures or criteria described in Subsection (8)(a). =

Section 3. Effective date.

**If approved by two-thirds of all the members elected to each house, this bill
takes effect upon approval by the governor, or the day following the constitutional
time limit of Utah Constitution Article VII, Section 8, without the governor's
signature, or in the case of a veto, the date of veto override.**

6. *Page 1, Line 17:*

17 a charter school; **and**

7. *Page 1, Lines 20 through 21:*

20 applications ~~{; and~~

21 ~~→ prohibits a higher education institution from operating a charter
school}~~ .

8. *Page 1, Line 28:*

28 ~~{53A-1a-518, as last amended by Laws of Utah 2010, Chapter 162}~~

9. *Page 2, Line 32 through Page 3, Line 80:*

32 ~~{Section 1. Section 53A-1a-518 is amended to read:~~
33 ~~—53A-1a-518. Regulated transactions and relationships-- Definitions-- Entities~~
34 ~~prohibited from operating a charter school.~~
35 ~~—(1) As used in this section:~~
36 ~~—(a) "Charter school officer" means:~~
37 ~~—(i) a member of a charter school's governing board;~~
38 ~~—(ii) a member of a board or an officer of a nonprofit corporation under which a~~
39 ~~charter~~
40 ~~school is organized and managed; or~~
41 ~~—(iii) the chief administrative officer of a charter school.~~
42 ~~—(b) (i) "Employment" means a position in which a person's salary, wages, pay,~~
43 ~~or~~
44 ~~compensation, whether as an employee or contractor, is paid from charter school~~
45 ~~funds.~~
46 ~~—(ii) "Employment" does not include a charter school volunteer.~~
47 ~~—(c) "Relative" means a father, mother, husband, wife, son, daughter, sister,~~
48 ~~brother,~~
49 ~~uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,~~
50 ~~brother-in-law,~~
51 ~~sister-in-law, son-in-law, or daughter-in-law.~~
52 ~~—(2) (a) Except as provided in Subsection (2)(b), a relative of a charter school~~
53 ~~officer~~
54 ~~may not be employed at a charter school.~~
55 ~~—(b) If a relative of a charter school officer is to be considered for employment~~
56 ~~in a~~
57 ~~charter school, the charter school officer shall:~~
58 ~~—(i) disclose the relationship, in writing, to the other charter school officers;~~
59 ~~—(ii) submit the employment decision to the charter school's governing board for~~
60 ~~the~~
61 ~~approval, by majority vote, of the charter school's governing board;~~
62 ~~—(iii) abstain from voting on the issue; and~~
63 ~~—(iv) be absent from any meeting when the employment is being considered and~~
64 ~~determined.~~
65 ~~—(3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school~~
66 ~~officer or a~~
67 ~~relative of a charter school officer may not have a financial interest in a contract or~~

other
59 ~~transaction involving a charter school in which the charter school officer serves as a~~
60 ~~charter~~
61 ~~school officer.~~
62 ~~—(b) If a charter school's governing board considers entering into a contract or~~
63 ~~executing~~
64 ~~a transaction in which a charter school officer or a relative of a charter school~~
65 ~~officer has a~~
66 ~~financial interest, the charter school officer shall:~~
67 ~~—(i) disclose the financial interest, in writing, to the other charter school officers;~~
68 ~~—(ii) submit the contract or transaction decision to the charter school's~~
69 ~~governing board~~
70 ~~for the approval, by majority vote, of the charter school's governing board;~~
71 ~~—(iii) abstain from voting on the issue; and~~
72 ~~—(iv) be absent from any meeting when the contract or transaction is being~~
73 ~~considered~~
74 ~~and determined.~~
75 ~~—(c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of~~
76 ~~employment for:~~
77 ~~—(i) the chief administrative officer of a charter school; or~~
78 ~~—(ii) a relative of the chief administrative officer of a charter school whose~~
79 ~~employment~~
80 ~~is approved in accordance with the provisions in Subsection (2).~~
~~—(4) The [State Board of Education or State Charter School Board] following~~
~~entities~~
~~may not operate a charter school[.];~~
~~—(a) the State Board of Education;~~
~~—(b) the State Charter School Board; and~~
~~—(c) a higher education institution listed in Section 53B-2-101.~~
~~—Section 2}~~ Section 1 . Section 53A-1a-521 is amended to read:

The motion passed unanimously with Sen. Madsen, and Sen. Urquhart absent for the vote.

Spoke to the bill: Mr. Rob Brems, President, Utah College of Applied Technology

MOTION: Sen. Osmond moved to pass the bill out favorably. The motion passed unanimously with Sen. Madsen absent for the vote.

MOTION: Sen. Jones moved to adjourn. The motion passed unanimously with Sen. Madsen absent for the vote.

Chair Reid adjourned the meeting at 6:07 pm.

Minutes were reported by Ms. Wendy Hill, Secretary.

Sen. Stuart Reid, Chair